

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ZULMA I. PEREZ PEREZ,
Plaintiff

vs.

PUERTO RICO PORTS AUTHORITY, et al.,
Defendants

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CIVIL NO. 98-2312 (JP)

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

ORDER

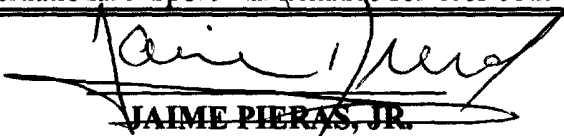
MOTION

RULING

<p>Date Filed: March 10, 2000 Docket # 83 [X] Pliffs <input type="checkbox"/> Defts Title: Motion in Limine and in Compliance with Order Regarding the Issue of Materiality and Relevance of Evidence Related to Bid Process</p>	<p>Plaintiff objects under Rules 401 and 403 to the admissibility of certain documentary and testimonial evidence proffered by Defendants and relating to the conduct and consequences of the bid process for Bid No. 46-67. The Court hereby ORDERS that the following documentary and testimonial evidence be EXCLUDED on the grounds that the facts sought to be proved by this evidence already have been stipulated to by the parties: (a) copy of the Judgment of the Supreme Court dated February 12, 1998, and a copy of the Opinion and Order of the Court of Appeals of Puerto Rico, dated December 8, 1997; (b) a copy of the resolution signed by Herman Sulsona-Nieves awarding the maintenance bid to Mangual's Office Cleaning Services dated October 14, 1997; (c) copies of the notices sent by the Bids Board to Xpert's Inc. and to the rest of the bidders, adjudicating the maintenance contract to this corporation, on September 23, 1997; (d) copy of the Bids Board By-Laws; (e) document requesting re-evaluation of the Bids Process as per the Judgment of the Supreme Court, submitted by the Puerto Rico Ports Authority to the Bids Board; (f) copy of the letter sent by co-defendant Herman Sulsona-Nieves to the plaintiff, informing his disagreement with the Bids Board recommendation for the adjudication of Bid 46-67, dated October 14, 1997; (g) memorandum prepared by Ms. Anneé Ramos and sent to the Executive Director of the Puerto Rico Ports Authority related to adjudication of bid number 46-67, dated October 14, 1997; (h) testimony of Anneé Ramos pertaining to her analysis of ultra vires action of Board in adjudicating Bid 46-67; (i) testimony of Ivelisse Castro; and (k) testimony of Jackeline Sánchez. The Court further ORDERS the exclusion from evidence of the sworn statement by Anneé Ramos dated December 24, 1997, on the grounds that such statement constitutes hearsay, and as Ms. Ramos is a witness in this case, she can testify and be subject to cross examination regarding the same matters contained in the statement. Finally, the Court ORDERS the exclusion from evidence of the Memorandum sent on July 30, 1997 by the Bids Division of the Puerto Rico Ports Authority to Michael Forte, Director of the Aviation Bureau, related to Bid 46-67, on the grounds that this document is not the best evidence to prove the price of the bids submitted for the LMM International Airport maintenance services contract.</p>
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Date:

3/14/00


JAIME PIERAS, JR.
 U.S. Senior District Judge

Rec'd:

EOD:

By:

no

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